

REMARKS/ARGUMENTS

Applicant has considered the teaching of the prior art and has now revised claim 1 to clearly distinguish the invention over the prior art.

The claim as now amended specifies that the sound is conducted from the speaker to the ear via a continuous passage of constant diameter. In this regard the claim calls for the sound conducting tubing, the connector and the ear mold bore having the same diameter. This provides an efficient transfer of sound from the speaker connected to one end of the conducting tubing to the ear. There is no teaching in French of constant diameter of his tube 8 connector 2 and bore 7.

The claim also calls for an ear mold which conforms to and frictionally fits in a users ear. There is no teaching in French of such an ear mold. The Examiner states that it would have been obvious to contrast such an ear mold. There is no suggestion or teaching in the primary reference of the combination of a constant diameter sound conduction passage and a fitted ear mold. The Examiner, having Applicants teaching is selecting, using hindsight, various features of the invention from a member of references. It is well established that the primary reference must teach the combination and secondary references used only to modify elements of the combination. Here the Examiner is constructing a new combination from elements of the prior art and suggesting, after having Applicants disclosure, that it would be obvious to create the claimed combination. Applicant submits that the advantages of the claimed combination is not obvious.

Claim 6 must be read in combination with claim 1. There is no suggestion in the primary reference or the secondary reference of such a connection. When read with the claim from which it depends the claim defines a patentable combination. Claims 12 and 13 depend from claim 6 and further define Applicant's novel acoustic system. Claim 14 is deemed patentable for the reasons provided for in claim 1 and is more specific in defining the configuration of the

electrical cable.

In view of the foregoing amendment favorable action is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this communication to our Deposit Account No. 50-2319 (Order No. A-68724/AJT (465425-8)).

Respectfully submitted,

DORSEY & WHITNEY LLP



Maria S. Swiatek, Reg. No. 37,244

For Aldo J. Test, Reg. No. 18,048

DORSEY & WHITNEY LLP
Suite 3400, Four Embarcadero Center
San Francisco, CA 94111-4187
Telephone: (650) 494-8700
Facsimile: (650) 494-8771

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